

BOARD DOCUMENT 07-05

Indiana Board of Accountancy
Minutes of Meeting
Held on
May 18, 2007

Indiana Professional Licensing Agency
Indiana Government Center-South
402 West Washington Street
Room W064
Indianapolis, IN 46204

MEMBERS PRESENT: Richard Beuter, Chairman
Timothy Deisher
Michael Flowers
Randolph G. Holt
Joseph Higgins

MEMBERS NOT PRESENT: Cynthia Peck, Chairman

STATE OFFICIALS PRESENT: James Schmidt, Deputy Attorney General

MINUTES COMPILED AND
TRANSCRIBED BY: Deborah Widemon, Board Director

MINUTE NO. 07-38

CALL TO ORDER AND ESTABLISHMENT OF QUORUM

The meeting was called to order at 10:00 a.m. on May 18, 2007 pursuant to public notice posted at the principal office of the Board at least forty-eight (48) hours prior to the meeting. A copy of the agenda is attached to the minutes and marked as **BOARD EXHIBIT 07-05A**.

MINUTE NO. 07-39

ADOPTION OF THE AGENDA

T. Deisher moved to adopt the agenda. M. Flowers seconded the motion. Motion carried.

MINUTE NO. 07-40

ADOPTION OF THE MINUTES FROM THE APRIL 20, 2007 MEETING OF THE BOARD

R. Holt moved to approve the minutes of April 20, 2007. T. Deisher seconded the motion. Motion carried.

MINUTE NO. 07-41
ADMINISTRATIVE HEARINGS

STATE OF INDIANA V. KENNETH M. ROBERTS, LICENSE NO. CP19500480
ADMINISTRATIVE CAUSE NO. IBA 07-03
RE: COMPLAINT

Mr. Roberts was not present and was not represented by counsel. Mr. Roberts submitted a written explanation for the Board's review. Tanisha Willoughby, Deputy Attorney General represented the State of Indiana.

Jim Schmidt, legal advisor suggested that the Board issue a Notice of Proposed Default and further explained the procedure.

R. Holt moved to issue a Notice of Proposed Default. T. Deisher seconded the motion. Motion carried.

MINUTE NO. 07-42
DELIBERATIONS AND POSSIBLE ISSUANCE OF FINAL ORDER

IN THE MATTER OF OM PRAKASH MANDHANA
ADMINISTRATIVE CAUSE NO.: IBA 06-10
RE: ADMINISTRATIVE LAW JUDGE'S (ALJ) ORDER

Mr. Mandhana submitted a timely petition of the denial of his application for a CPA license. An ALJ hearing was held on December 4, 2006 and the ALJ officer recommended approval of the application for licensure. R. Holt moved to affirm the ALJ order. M. Flowers seconded the motion. Motion carried.

MINUTE NO. 07-43
GRANTING OR DENYING PETITION FOR REVIEW AND APPOINTMENT OF
ADMINISTRATIVE LAW JUDGE

JENNIFER J. HARRIS RE: PETITION FOR REVIEW OF DENIAL OF
APPLICATION FOR LICENSURE AS A CERTIFIED PUBLIC ACCOUNTANT BY
TRANSFER

The Board reviewed Ms. Harris timely petition of the denial of her application for a CPA license. R. Holt moved to grant the petition and to appoint Richard Beuter as the administrative law judge. J. Higgins seconded the motion. Motion carried.

DONALD D. PFAHLER, CP08575058 RE: PETITION FOR REVIEW OF THE
NOTICE OF NONCOMPLIANCE OF THE CONTINUING PROFESSIONAL
EDUCATION (CPE) AUDIT

The Board reviewed Mr. Pfahler timely petition of the Notice of CPE Noncompliance. T. Deisher moved to grant the petition and to appoint Randolph Holt as the administrative law judge. R. Holt seconded the motion. Motion carried.

WILLIAM R ACKERMAN SR, CP09200362 – RE: PETITION FOR REVIEW OF
THE NOTICE OF NONCOMPLIANCE OF THE CONTINUING PROFESSIONAL
EDUCATION (CPE) AUDIT

The Board reviewed Mr. Ackerman's timely petition of the Notice of CPE Noncompliance, which included a request to surrender his CPA license with the stipulation that paragraph 3, 4, and 5 of the Noncompliance order are no longer enforceable.

R. Holt moved to table the petition and to inform Mr. Ackerman that his request to surrender would be reconsidered after the payment of the civil penalty and without the stipulations requested. T. Deisher seconded the motion. Motion carried.

STEPHEN C. HAWORTH ACCOUNTANTS, PC, FP59400098

RE: PETITION FOR REVIEW OF DENIAL OF FIRM PERMIT RENEWAL APPLICATION

The Board reviewed the timely petition of the denial of the firm permit renewal application. R. Holt moved to grant the petition and to appoint Richard Beuter as the administrative law judge. J. Higgins seconded the motion. Motion carried.

STEPHEN C. HAWORTH ACCOUNTANTS, PC, FP59400098

RE: PETITION FOR REVIEW OF DENIAL OF FIRM PERMIT APPLICATION

The Board reviewed the timely petition of the denial of the firm permit application. R. Holt moved to grant the petition and to appoint Richard Beuter as the administrative law judge. J. Higgins seconded the motion. Motion carried.

MINUTE NO. 07-44

OLD/ NEW BUSINESS

PROJECTS

PROJECT 01-03

RE: POTENTIAL AMENDMENTS TO INDIANA CODE 25-2.1 AND TITLE 872 OF THE INDIANA ADMINISTRATIVE CODE

HOUSE ENROLLED ACT NO. 1312

The Board reviewed the newly enacted bill, which includes the provisions of an accountancy investigative fund and additional stipulations for out of state licensees practicing in Indiana by substantial equivalency. The Board requested that the staff start the rule making process by drafting proposed rules for their review.

PROJECT 05-01

RE: CERTIFIED PUBLIC ACCOUNTANT EXAMINATION SITE VISITS

No new information offered.

RECONSIDERATION OF DENIAL OF FIRM PERMIT RENEWAL APPLICATIONS

FOUDY & HALE CPA GROUP, LLC, FP50300049

The Board denied the firm permit renewal application of Foudy & Hale CPA Group at their April meeting because the application was incomplete. Deborah Widemon, Board Director informed the Board that the firm submitted their quality review acceptance letter, but it was inadvertently overlooked and was not submitted for review.

R. Holt moved to rescind the Board's denial and to approve the firm permit renewal application pending the Quality Review Oversight Committee review and acceptance of the quality review acceptance letter. T. Deisher seconded the motion. Motion carried.

REEDY & PETERS, LLC FP50400094

The Board denied the firm permit renewal application of Reedy & Peters, LLC at their April meeting because the application was incomplete. Deborah Widemon, Board Director informed the Board that the firm permit was inadvertently updated to an active status in November 2006 before the quality review acceptance letter was received, but the firm's acceptance letter has since been received.

R. Holt moved to rescind the Board's denial and to approve the firm permit renewal application pending the Quality Review Oversight Committee review and acceptance of the quality review acceptance letter. T. Deisher seconded the motion. Motion carried.

E. L. BERD CPA, PC, FP59400249

The Board denied the firm permit renewal application of E. L. Berd CPA, PC at their April meeting because the application was incomplete. Deborah Widemon, Board Director informed the Board that the firm received a quality review acceptance letter in January 2007, but did not realize that they had to submit the acceptance letter to the Board for review.

R. Holt moved to rescind the Board's denial and to approve the firm permit renewal application pending the Quality Review Oversight Committee review and acceptance of the quality review acceptance letter. T. Deisher seconded the motion. Motion carried.

MINUTE NO. 07-34

ACTION ON APPLICATIONS - RE: INITIAL APPLICATIONS, RECIPROCITY APPLICATIONS, TRANSFER OF GRADES APPLICATIONS, PROFESSIONAL CORPORATION APPLICATIONS

During the application's committee meeting the Board considered issuance of a license for the above stated applications. T. Deisher moved to accept the applications as indicated on each folder. J. Higgins seconded the motion. Motion carried.

MINUTE NO. 07-46

STANDING REPORTS

BOARD LIAISON TO THE ATTORNEY GENERAL'S OFFICE – MICHAEL FLOWERS

No new information discussed.

INDIANA PROFESSIONAL LICENSING AGENCY – DEBORAH WIDEMON

The Board reviewed and noted the accountancy license count submitted as of May 18, 2007.

ADVISORY COUNSEL – JAMES SCHMIDT

No new information discussed.

**MINUTE NO. 07-36
DISCUSSION**

NATIONAL ASSOCIATION OF STATE BOARDS OF ACCOUNTANCY (NASBA)

- **CANDIDATE CONCERNS 07Q1**
- **2007-2008 COMMITTEE RECOMMENDATIONS**
- **FOLLOW UP TO BOE APRIL 26, 2007 LETTER ABOUT RESCORING ISSUE**
- **QUARTERLY COMMUNICATIONS**

The Board reviewed and noted the above correspondence.

PUBLIC COMPANY ACCOUNTING OVERSIGHT BOARD (PCAOB)

- **NOMINATIONS FOR STANDING ADVISORY GROUP**

The Board reviewed and noted the above correspondence.

CORRESPONDENCE

- **VIRGINIA BOARD OF ACCOUNTANCY – RE: NOMINATION OF NASBA DIRECTOR AT LARGE**
- **WEST VIRGINIA BOARD OF ACCOUNTANCY – RE: NOMINATION OF NASBA DIRECTOR AT LARGE**
- **INDIANA CPA SOCIETY RESPONSE TO UAA RULES EXPOSURE DRAFT**

The Board reviewed and noted the above correspondence.

**MINUTE NO. 07-48
ADJOURNMENT**

There being no further business, the meeting adjourned at 11:00 a.m.

DATE: _____

Richard Beuter, Chairman

ATTEST:

Deborah Widemon, Board Director